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SENATE BILL 948

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO CULTURAL PROPERTIES; ESTABLISHING A STATE CULTURAL
PROPERTY ON STATE OR FEDERAL LAND FOR REBURIAL OF HUMAN REMAINS
AND FUNERARY OBJECTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the
"Reburial Cemetery Act". "

Section 2. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS. -- As used in the Reburial
Cemetery Act:

A. "department" means the cultural affairs
department;

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. "descendant group" means persons related by
2 consanguinity or by family affiliation or clan and includes a
3 Native American nation, band, tribe or pueblo in New Mexico;

4 C. "funerary object" means an object or artifact
5 associated with a human burial;

6 D. "remains" means a human body, skeletal remains
7 or mummified remains discovered during construction and other
8 projects or exposed through erosion, excavation or accident on
9 state, federal and private lands and includes a funerary object
10 or artifact associated with the remains;

11 E. "reburial cemetery" means state or federal land
12 set aside pursuant to the Reburial Cemetery Act that secures
13 and preserves unmarked graves for remains not claimed by a
14 descendant group; and

15 F. "state land" means property owned, controlled or
16 operated by a department, agency, institution or political
17 subdivision of the state. "

18 Section 3. A new section of Chapter 18, Article 6 NMSA
19 1978 is enacted to read:

20 "NEW MATERIAL REMAINS DESIGNATED FOR REBURIAL. -- Except
21 as otherwise designated by the department, remains shall be
22 reburied in the reburial cemetery unless a descendant group
23 that demonstrates a relationship to the remains requests
24 otherwise. "

25 Section 4. A new section of Chapter 18, Article 6 NMSA
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underscored material = new
[bracketed material] = delete

1 1978 is enacted to read:

2 "[NEW MATERIAL] DESIGNATION OF REBURIAL CEMETERY SITE. --

3 The department shall facilitate the designation of state and
4 federal land for reburial of unmarked remains not claimed by a
5 descendant group and shall:

6 A. by September 1, 2005 organize a working group
7 that includes representatives of the department, the Indian
8 affairs department and the tribal-state workgroup on
9 repatriation and sacred places to:

10 (1) recommend rules for acquisition of remains
11 and maintenance and preservation of the reburial cemetery;

12 (2) distinguish between remains that can be
13 reburied and remains that cannot; and

14 (3) establish procedures and priorities for
15 reburying remains held in state and private collections;

16 B. by December 30, 2006 promulgate rules for:

17 (1) platting remains placed in the reburial
18 cemetery and ensuring that the information is confidential
19 pursuant to Section 18-6-11.1 NMSA 1978;

20 (2) accepting and acquiring remains and
21 coordinating activities with the state historic preservation
22 officer;

23 (3) maintaining and preserving the natural
24 environment of the reburial cemetery;

25 (4) distinguishing between remains that can be

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underscored material = new
[bracketed material] = delete

1 reburied and those that cannot;

2 (5) working with descendant groups that
3 request access to the reburial cemetery for ceremonies; and

4 (6) providing for security and confidentiality
5 of the site; and

6 C. by July 1, 2007:

7 (1) accept the first remains for reburial,
8 giving priority to the reburial of the remains currently at the
9 museum of New Mexico, the museum of Indian arts and culture and
10 the department;

11 (2) begin platting the reburial cemetery so
12 that reburied remains are not disturbed by later burials and
13 that the plat is confidential pursuant to Section 18-6-11.1
14 NMSA 1978; and

15 (3) provide security. "

16 Section 5. APPROPRIATION. -- One hundred thousand dollars
17 (\$100,000) is appropriated from the general fund to the
18 cultural affairs department for expenditure in fiscal years
19 2006 and 2007 for establishing, staffing, securing and
20 maintaining the reburial cemetery and reburying remains. Any
21 unexpended or unencumbered balance remaining at the end of
22 fiscal year 2007 shall revert to the general fund.